THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.20505 OF 2005

Dt.23.1.2006

Between:

Chelamcherla Mastan Rao and another … Petitioners

And

The Deputy Director of Fisheries,

Guntur, Guntur District and 3 others. … Respondents

ORDER:

This writ petition is filed seeking writ of mandamus declaring the action of the 3rd respondent in interfering the fishery rights of Subbayapalem Tank situated in Subbayapalem Village, Rompicherla Mandal, Guntur District, without any manner of right as bad and contrary to law.

Heard the learned counsel for the petitioners as well as the learned Government Pleader for Fisheries and the learned counsel appearing on behalf of the 4th respondent.

The petitioners are the members of the 4th respondent Taluq Fisherman Co-operative Society. The society is covering 18 minor irrigation tanks and Nallalcheruvu is one located in Subbayapalem Village. The Nallacheruvu is known as Subbayapalem tank located in Subbayapalem Village. The case of the petitioners is that as per the

orders of the Government in G.O.Ms.No.776 dated 31.12.1990 the fishing rights of the said tank has to be leased out in favour of the Fishermen Co-operative Society. It is stated that the 3rd respondent is not leasing out the fishing rights without considering the orders of the Government and the 4th respondent Society is not taking any interest in getting the leasehold rights of the said tank.

Admittedly, the petitioners have not made any representation before the concerned authorities seeking the relief claimed in this writ petition. Therefore, I am of the opinion that without their being any request, no writ of mandamus can be issued.

The writ petition is accordingly dismissed with liberty to the petitioners to make representation before the concerned authority to consider their claims in accordance with law. No costs.

(V.ESWARAIAH, J.)

23.1.2006

kpr